

ENTERED

June 05, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION****ANNIE RAY,***Plaintiff,***VS.****COLUMBIA BRAZORIA INDEPENDENT
§ SCHOOL DISTRICT, et al,***Defendants.*§
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§**CIVIL ACTION NO. 4:23-cv-00145****MEMORANDUM AND ORDER**

Pending before the Court is Plaintiff's Motion to Proceed *in Forma Pauperis*. ECF No. 76. The Motion is **GRANTED IN PART** and **DENIED IN PART**. The docket shows that the appellate filing fee was paid in full on May 18, 2024. The Motion is **DENIED AS MOOT** with respect to the already-paid filing fee.

It is unclear from Plaintiff's filings whether the court reporter fees have yet been paid. To the extent that the court reporter fees have not been paid, Plaintiff's Motion is **GRANTED** for the limited purpose of obtaining funds to pay any unpaid court reporter fees.

Plaintiff also asks that, "if this application [to proceed *in forma pauperis*] is approved, that her counsel, Veronica L. Davis be refunded the monies that she paid on [plaintiff-appellant's] behalf." *Id.* ¶ 9. The Motion for the Court to refund monies already paid by counsel of record is **DENIED**, as Plaintiff has identified no legal authority for such a reimbursement.¹

Finally, Plaintiff implores the Court to "appoint someone to prepare the appeal in this cause." *Id.* ¶ 10. However, Plaintiff-appellant's counsel of record, Veronica L. Davis, filed the notice of appeal in this case and filed a Notice of Form for Appearance in the appeal. *See Ray v.*

¹ The Fifth Circuit similarly denied this reimbursement request. *See Ray v. Columbia Brazoria Independent School District*, Appeal No. 24-20227 (5th Cir.), ECF No. 10-4.

Columbia Brazoria Independent School District, Appeal No. 24-20227 (5th Cir.). Consequently, plaintiff-appellant is currently represented by counsel of record on appeal. Moreover, the Court has no funds for the appointment of counsel in a civil case. Nor is there an automatic constitutional right to appointment of counsel in civil cases. *See Baranowski v. Hart*, 485 F.3d 112, 126 (5th Cir. 2007). Thus, the Motion is **DENIED** with respect to the request for appointment of counsel.

IT IS SO ORDERED.

Signed at Houston, Texas on June 5, 2024.

A handwritten signature in black ink, appearing to read "Keith P. Ellison", written over a horizontal line.

Keith P. Ellison
United States District Judge